

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to: <i>Rodriguez, et al. v. Islamic Republic of Iran</i>	18-cv-12347 (GBD)(SN) ECF Case

**RODRIGUEZ I PLAINTIFFS' MOTION FOR ENTRY OF PARTIAL FINAL  
DEFAULT JUDGMENT AGAINST ISLAMIC REPUBLIC OF IRAN**

PLEASE TAKE NOTICE that upon the accompanying Declaration of Austin Estelle (“Estelle Declaration”), with exhibits and the accompanying memorandum of law, the *Rodriguez* Plaintiffs identified in Exhibit A to the Estelle Declaration respectfully move this Court, pursuant to 28 U.S.C. § 1608(e) and Rule 55(b) of the Federal Rules of Civil Procedure, for an Order of judgment by default as to liability against the Islamic Republic of Iran (“Iran”) as to all claims under 28 U.S.C. § 1605A(c).

Furthermore, those *Rodriguez* Plaintiffs identified on Exhibit A to the Estelle Declaration respectfully move this Court for an Order awarding them (1) solatium and pain and suffering damages for the losses they suffered as the immediate family members (in this instance, spouses, parents, children, and siblings, or the estate of a spouse, parent, child, or sibling) of their decedents (as indicated in Exhibit A to the Estelle Declaration) in the same per plaintiff amounts previously awarded by this Court to various similarly situated plaintiffs; (2) prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment; and (3) permission for the *Rodriguez* Plaintiffs identified in Exhibit A to seek punitive damages, economic damages, or other damages at a later date, and for (4) all other *Rodriguez* Plaintiffs not appearing on Exhibit A to submit applications for damages awards in later stages, to the extent such awards have not previously been addressed.

Dated: September, 2022

Respectfully,

/s/ Austin Estelle

Austin Estelle

The Miller Firm

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Orange VA 22960

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# **Exhibit A**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**Rodriguez, et al.**

**Plaintiffs,**

**v.**

**03 MDL 1570 (GBD)(SN)**

**Islamic Republic of Iran**

**CLERK'S CERTIFICATE  
OF DEFAULT**

**Defendants.**

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**This document relates to:**

*Rodriguez, et al. v. Islamic Republic of Iran, Case No. 18-cv-12347 (GBD)(SN)*

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on 12/30/2018 with the filing of a summons and complaint, a copy of the summons and complaint was served on defendant Islamic Republic of Iran in accordance with 28 U.S.C 1608(a), *and proof of service was therefore filed on 8/23/2022, ECF 47.*

I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendant is hereby noted.

**Dated: New York, New York**  
**August 24, 2022.**

**Ruby Krajick**  
**Clerk of Court**

**By:**   
**Deputy Clerk**

# **Exhibit B**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

**TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001**

**03-MDL-1570 (GBD)(SN)**

**-CV-\_\_\_\_\_  
(GBD)(SN)\_\_\_\_\_**

**IRAN SHORT FORM  
COMPLAINT AND DEMAND  
FOR TRIAL BY JURY**

**JOSEPH RODRIGUEZ  
ILANA EBERSON  
CHRIS PEREZ  
MANUAL GOMEZ  
ROBERT BRAGER  
TIMOTHY SNICKLES  
MICHAEL SULLIVAN  
ROBERT SINGER  
DENIS REESE  
VICTOR MESCE  
ELIZABETH BRODERICK  
SHEIK RAHAMAN  
FREDERICK PARISI  
SHANE LEFEBVRE  
BENJAMIN GOTTLIEB  
RACHEL HUGHES  
ROBERT KEARNEY  
KEONI MAY  
DANIEL DANZI  
JEFFEREY FOSELLO  
THOMAS KING  
ROBERT KREUZ  
NICK DOUSMANIS  
CHRISTOPHER CALLOW  
KEVIN JOHNS  
JAMES HAGNER  
SARA HAGNER  
SUZANNE DEPAOLO  
JAMES HAGNER, JR.  
SARI HAGNER  
GIANNA HAGNER  
NIKO HAGNER  
SUSAN GIROLAMO**

**JOHN DIPALO  
MICHAEL GAVIN  
KATELYN GAVIN  
ANTHONY CONCIALDI  
GERARD FENN  
PAUL FARELLA  
KEVIN BURKE  
DANIEL ENANDER  
NICHOLAS CHIARELLO  
CHARLES ABER  
STEVEN BRENSEKE  
SHARON BRESNSEKE  
JASON COHEN  
FRANK DISCALA  
TYRONE BUTLER  
JASON CARPENTIERI  
BARNES JAMES  
JEFFREY BICKART  
FRANCINE BICKART  
ERICA BICKART  
JESSIE ATCHISON  
ANDREW ALBATE  
ESTATE OF KATHRYN SHATZOFF  
NEIL SHATZOFF  
ESTATE OF PAUL BENEDETTI  
ALESSANDRA BENEDETTI  
ESTATE OF LUIS JIMENEZ, JR.  
LUIS JIMENEZ, SR.  
ROSA JIMENEZ  
ALONSO SALVATIERRA  
JIMMY JIMENEZ  
ESTATE OF PETER FREUND  
RONALD CORONATO  
ESTATE OF TERESA MARTIN  
JOHN MARTIN  
DIPAK DASRAO  
BOBITA DASPURKAYTHA  
UTSAB DASROA  
ASHMIL DASROA  
ESTATE OF PAIGE FARLEY  
MAJORIE FARLEY  
ESTATE OF TONYELL MCDAY  
RUFUS MCDAY  
ESTATE OF STEPHEN LEFKOWITZ  
SARA LEFKOWITZ  
DANIEL LEFKOWITZ**

**ESTATE OF CHANTAL VINCELLI  
JOSEPH HERMAN**

**Plaintiff(s),**

**-against-**

**ISLAMIC REPUBLIC OF IRAN,**

**Defendant.**

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Plaintiffs named herein by and through the undersigned counsel file this Short Form Complaint against Defendant, the Islamic Republic of Iran (“Iran”), arising out of the September 11, 2001 terrorist attacks (“September 11, 2001 Terrorist Attacks”), as permitted and approved by the Court’s Order of June 10th, 2018, ECF No. 4045. Each Plaintiff incorporates by reference the specific allegations, as indicated below, of (a) the Federal Insurance and Ashton Plaintiffs’ Amended Consolidated Complaint Against Defendant, the Islamic Republic of Iran, ECF No. 3237, or (b) the Amended Complaint, Burnett v. Islamic Republic of Iran, No. 15-CV- 9903 (GBD)(SN) (S.D.N.Y. Feb. 8, 2016), ECF No. 53.

Upon filing this Iran Short Form Complaint, each Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all causes of action contained within that complaint; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

Additionally, each Plaintiff incorporates the factual allegations and findings contained in those pleadings and orders filed at Havlish v. Bin Laden, No. 1:03-CV-9848 (GBD)(SN) (S.D.N.Y.), ECF Nos. 263, 294, 295; In re Terrorist Attacks on September 11, 2001, 03-MDL-



1570 (GBD)(SN) (S.D.N.Y.), ECF Nos. 2430, 2431, 2432, 2433, 2473, 2515, 2516; and evidence submitted at the proceedings before the Honorable George B. Daniels on December 15, 2011 (ECF No. 2540).

### VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

### JURISDICTION

2. Jurisdiction against the Islamic Republic of Iran is premised on the grounds set forth in the complaints specified below, including but not limited to 28 U.S.C. § 1605(a) (tort exception to the Foreign Sovereign Immunities Act), 28 U.S.C. § 1605A (terrorism exception to the Foreign Sovereign Immunities Act), and 28 U.S.C. § 1605B (Justice Against Sponsors of Terrorism Act).

### CAUSES OF ACTION

3. Each Plaintiff hereby adopts and incorporates by reference all factual allegations, jurisdictional allegations, and jury trial demand, including all causes of action against the Islamic Republic of Iran, as set forth in the following complaint [**check only one complaint**]:

- ☐ Federal Insurance and Ashton Plaintiffs' Amended Consolidated Complaint Against Defendant, the Islamic Republic of Iran, ECF No. 3237
- ☒ Amended Complaint, Burnett v. Islamic Republic of Iran, No. 15-CV-9903 (GBD)(SN) (S.D.N.Y. Feb. 8, 2016), ECF No. 53

4. In addition, each Plaintiff hereby asserts the following additional causes of action:

- Iran Short Form Complaint First Cause of Action to Recover Wrongful Death Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)

As a factual basis for this cause of action, Plaintiff(s) allege that the allegations set forth in the complaint noted above, as well as the allegations set forth in the Havlish filings noted above, establish that, as set forth herein, the injuries they suffered arose from the September 11, 2001 Terrorist Attacks; Defendant's role in the September 11, 2001 Terrorist Attacks constituted acts of international terrorism that violated state and federal laws pursuant to 18 U.S.C. § 2331; that the September 11, 2001 Terrorist Attacks constituted acts of international terrorism committed, planned or authorized by an organization that had been designated as a foreign terrorist organization under 8 U.S.C. § 1189; that the September 11, 2001 Terrorist Attacks violated state and federal laws pursuant to 18 U.S.C. § 2331; and that Defendant aided and abetted, by knowingly providing substantial assistance, with others and/or conspired with others who committed an act or acts of international terrorism in violation of 18 U.S.C. § 2333 *et seq.*

- Iran Short Form Complaint First Cause of Action to Recover Personal Injury Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)

As a factual basis for this cause of action, Plaintiff(s) allege that the allegations set forth in the complaint noted above, as well as the allegations set forth in the Havlish filings noted above, establish that, as set forth herein, the injuries they suffered arose from the September 11, 2001 Terrorist Attacks; Defendant's role in the September 11, 2001 Terrorist Attacks constituted acts of international terrorism that violated state and federal laws pursuant to 18 U.S.C. § 2331; that the September 11, 2001 Terrorist Attacks constituted acts of international terrorism committed, planned or authorized by an organization that had been designated as a foreign terrorist organization under 8 U.S.C. § 1189; that the September 11, 2001 Terrorist Attacks violated state and federal laws pursuant to 18 U.S.C. § 2331; and that Defendant aided and abetted, by knowingly providing substantial assistance, with others and/or conspired with others who committed an act or acts of international terrorism in violation of 18 U.S.C. § 2333 *et seq.*

### **IDENTIFICATION OF NEW PLAINTIFFS**

5. The following allegations and information are alleged on behalf of each individual who is bringing this claim, as indicated on Appendix 1 to this Iran

Short Form Complaint, herein referred to as “Plaintiffs.”

- a. The citizenship/nationality of each Plaintiff is indicated at Appendix 1 to this Iran Short Form Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action set forth in the complaint identified above, as joined by this Iran Short Form Complaint, and as further asserted within this Iran Short Form Complaint.
- c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.
- d. For those plaintiffs with personal injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged, as stated specifically in Appendix 1.
- e. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant’s actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the Iran Short Form Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
- f. The name, relationship to the injured and/or deceased September 11 victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death and/or solatium claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations of the related complaints, as specified above, deemed alleged as to each Plaintiff.

#### **IDENTIFICATION OF THE DEFENDANT**

6. The only Defendant named in this Iran Short Form Complaint is the Islamic Republic of Iran.

### **NO WAIVER OF OTHER CLAIMS**

7. By filing this Iran Short Form Complaint, Plaintiff(s) is/are not waiving any right to file suit against any other potential defendants or parties.

8. By filing this Iran Short Form Complaint, Plaintiff(s) are not opting out of any class that the Court may certify in the future.

### **JURY DEMAND**

9. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth in this Iran Short Form Complaint as appropriate.

Dated: December 28, 2018

Respectfully submitted,

/s/ Edward Maggio

**COUNSEL FOR PLAINTIFFS**

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